

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

DAVID DANIELS

PLAINTIFF

v.

Civil No. 07-5078

CAPTAIN HUNTER PETRAY;  
DR. JOHN HUSKINS;  
NURSE ANDREA G.

DEFENDANTS

O R D E R

Now on this 14th day of December, 2007, comes on for consideration the **Report and Recommendation of the Magistrate Judge, James R. Marschewski** (document #4, filed November 7, 2007), in this matter, to which no objections have been filed, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

**IT IS THEREFORE ORDERED** that the **Magistrate Judge's Report and Recommendation is adopted in toto**.

**IT IS FURTHER ORDERED** that, for the reasons stated in the Magistrate Judge's Report and Recommendation, Daniels' IFP application (Doc. #3) is hereby **denied and this case is dismissed without prejudice**, with the right of Plaintiff to refile upon the payment of the filing fee.

**IT IS SO ORDERED.**

/s/Jimm Larry Hendren  
HON. JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE